

CHAPTER NO. 493

SENATE BILL NO. 2286

By Ford

Substituted for: House Bill No. 2341

By Armstrong, Miller, Cooper, Pruitt, Langster, Larry Turner, Ulysses Jones, Lois DeBerry, Coleman, Henri Brooks

AN ACT to amend Tennessee Code Annotated, Section 49-5-415, relative to student possession and self-administration of certain medications.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-5-415, is amended by adding the following as a new, appropriately designated subsection:

(c) Notwithstanding any provision of this title or any other law or rule to the contrary,

(1) A LEA must permit possession and self-administration of a prescribed, metered dosage, asthma-reliever inhaler by any asthmatic student if the student's parent or guardian:

(A) Provides to the school written authorization for student possession and self-administration of the inhaler; and

(B) Provides a written statement from the prescribing health care practitioner that the student suffers from asthma and has been instructed in self-administration of the prescribed, metered dosage, asthma-reliever inhaler. The statement must also contain the following information:

(i) The name and purpose of the medication;

(ii) The prescribed dosage;

(iii) The time or times the prescribed inhaler is to be regularly administered as well as any additional special circumstances under which the inhaler is to be administered; and

(iv) The length of time for which the inhaler is prescribed.

(2) The statements required in subdivision (1) above shall be kept on file in the office of the school nurse or school administrator.

(3) The LEA shall inform the student's parent or guardian that the school and its employees and agents shall incur no liability as a result of any injury sustained by the student or any other person from possession or self-administration of the inhaler. The student's parent or guardian shall sign a

statement acknowledging that the school shall incur no liability and the parent or guardian shall indemnify and hold harmless the school and its employees against any claims relating to the possession or self-administration of the inhaler. Nothing in this subsection shall be construed to relieve liability of the school or its employees for negligence.


(4) The permission for self-administration of the prescribed, metered dosage, asthma-reliever inhaler shall be effective for the school year in which it is granted and must be renewed each following school year upon fulfilling the requirements of subdivisions (1) and (3). The LEA may suspend or revoke the student's possession and self-administration privileges if the student misuses the inhaler or makes the inhaler available for usage by any other person.

(5) Upon fulfilling the requirements of subdivision (1), an asthmatic student may possess and use the prescribed, metered dose asthma-reliever inhaler when at school, at a school-sponsored activity, or before or after normal school activities while on school properties, including school-sponsored child care or after-school programs.

SECTION 2. This act shall take effect July 1, 2004, the public welfare requiring it.

PASSED: March 31, 2004


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 12th day of April 2004


PHIL BREDESEN, GOVERNOR